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09/690,074	10/16/2000	Scott C. Harris	CREDIT SYSTEM/CH	2021

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EXAMINER

NGUYEN, KIMBERLY D

ART UNIT PAPER NUMBER

2876

DATE MAILED: 06/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/690,074

Applicant(s)

HARRIS, SCOTT C

Examiner

Kimberly D. Nguyen

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 12 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-6, 10 and 12-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-6, 10 and 12-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 16 October 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Amendment

1. Acknowledgement is made of Amendments filed on 3 January 2003 and 12 February 2003.

Drawings

2. The drawings filed on 16 October 2000 are objected by the Examiner because of poor quality drawing lines. Formal drawings are respectfully required by the Examiner.

Claim Objections

3. Claim 5 is objected to because of the following informalities:

The phrase "adapted for" is vague and indefinite. It has been held that the recitation that an element is "adapted for" performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re Hutchison, 69 USPQ 138.

- Claim 5, line 2: "adapted for" should be deleted.
- Claim 10, line 5: "said storing machine readable credit card information" lacks of antecedent basis and "said" (infront of "storing machine readable credit card information") should be replaced with "a".

- Claim 10, line 6: "can be" is vague and should be changed to "is".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 14 and 23 rejected under 35 U.S.C. 102(e) as being anticipated by Teicher et al. (US 6,257,486; hereinafter "Teicher").

Teicher teaches a credit card (102 in fig. 8B) formed with a rectangular element having edges, and meeting areas between the edges, the element having a first surface with writing indicating a credit card number thereon, and a second surface opposite the first surface, and an edge surface, extending around a perimeter of the credit card, the writing being substantially in the direction of a long axis of the rectangular element, the rectangular element also having a short axis which is substantially perpendicular to the long axis and further comprising machine readable credit card information, stored in a way which allows reading of the credit card information from the credit card (see figs. 8A-8C; col. 8, line 63 through col. 9, line 45); and a credit card reading slot (906 in fig. 8B), sized to accept a corner of the credit card (see fig. 8B; wherein the shorter edge of the credit card serves as the corner), and including a reader therein which reads the credit card information when the corner is inserted into the credit card reading slot.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1, 6, 10, 12, 15, 17, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable by Teicher in view of Kalt (US 3,604,900, cited by the Applicant).

Teicher teaches a device (900 in fig. 8B) comprising a slot (906 in fig. 8B), having surfaces which are sized to receive an edge of a rectangular credit card (102 in fig. 8B) which edge is formed by the thickness of the credit card that extends between the credit card front surface and the credit card rear surface (i.e. credit card 102 inherently has the edge, which is formed by the thickness of the credit card that extends between the front and back surfaces of the card), front surface having writing indicating a credit card number thereon, and surfaces of the slot (906 in fig. 8B) covering the credit card, the slot sized to receive, as an inserted portion, the edge of the credit card; and circuitry, responsive to inserting the credit card, which operates to read information from the credit card when inserted (see figs. 8A-8C; col. 8, line 63 through col. 9, line 45).

Teicher fails to teach or fairly suggest the slot including reading elements, which are sized to read from the edge of the credit card.

Kalt teaches a credit card (34 in fig. 1) having a plurality of reading elements/electrical contacts 38 as shown in figure 1 that, which are on the edge of the credit card (col. 1, lines 55-72; col. 2, lines 9-58).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the reading elements which are on the edge of the credit card as taught by Kalt to the teachings of Teicher in order to protect and to preserve the reading element (i.e., I/O contacts) that which is integrated on the top side of the credit card from outside environment (e.g., I/O contacts being damaged from scratches, possible deformation from stress, etc). Moreover, such modification would have been an obvious design variation well within the ordinary skill in the art in order to rearrange the I/O contacts along the credit card so long as the functionality of that contacts is the same.

Re claim 6: Teicher teaches a device, wherein the reader covers less than 1/3 of an overall length of the credit card's longer edge (see figs. 8B; col. 8, line 63 through col. 9, line 45).

8. Claims 2-3, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teicher as modified by Kalt as applied to claim 1 above, and further in view of Jonstromer (US 6,142,369). The teachings of Teicher as modified by Kalt have been discussed above.

Teicher as modified by Kalt fails to teach or fairly suggest the smart card reader comprising a portable phone, the slot formed in surfaces on the portable phone.

Jonstromer teaches a smart card reader, which comprises a portable phone, the slot formed in surfaces on the portable phone (see fig. 1; col. 4, lines 20-44).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the smart card with mobile phone as taught by Jonstromer to the teachings of Teicher as modified by Kalt in order to add the mobile communication feature to the card reader to further provide a versatile and compact mobile-phone/card-reader system which provides a greater convenience to the users for carrying a single device rather than a plurality of devices. Accordingly, such modification would provide Teicher as modified by Kalt with a one-stop shopping (phone/card) system without the hesitation of carrying multiple devices.

Re claim 5: Teicher teaches a card reader, wherein the circuitry provides power at the time of reading, the power providing a specified power amount to the credit card (fig. 7: col. 9, lines 34-45).

9. Claims 4, 13, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teicher as modified by Kalt as applied to claim 1 above, and further in view of Yoshida (US 5,895,909). The teachings of Teicher as modified by Kalt have been discussed above.

Teicher as modified by Kalt fails to teach or fairly suggest the device wherein the reading elements include optical readers which read optical information from the credit card.

Yoshida teaches a device for processing a hybrid card, in which the IC card incorporates in combination an optical memory unit (11c in fig. 3) and/or magnetic information stripes (11b in fig. 3) for convenient data reading (see figs. 1 and 3: col. 1, lines 22-27; and col. 2, line 7 through col. 3, line 28), wherein if the identification data is stored in optical memory unit 11c of hybrid card 11, the card is fed to the position of an optical head, not shown (col. 6, lines 11-14), which inherently the reading elements read the optical information from the credit card optically.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the notoriously old and well known IC card incorporates in combination an optical memory unit, wherein information in the optical memory unit is read optically by the reading elements as taught by Yoshida in order to add a larger capability to store information optically on the card to further take advantages of the large memory capacity and low cost maintenance/reproduction which optical memory can provide. Furthermore, other advantages of optical memory include that they are writing-once-type recording media and hence the information recorded thereon can hardly be altered fraudulently to make them highly reliable.

Re claim 13: Teicher as modified by Kalt fails to teach or fairly suggest the credit card, wherein the credit card information is magnetically coded information.

Yoshida teaches a device for processing a hybrid card, in which the IC card incorporates in combination of magnetic information stripes (11b in fig. 3: col. 1, lines 22-27; and col. 2, line 7 through col. 3, line 28), which serve as the credit card information is magnetically coded information.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the notoriously old and well known memory card, wherein the credit card information is magnetically coded as taught by Yoshida in order to add a larger capability to communicate the information between the card and the card reader (i.e., the card and the card reader can communicate to each other magnetically).

10. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Teicher as modified by Kalt as applied to claim 17 above, and further in view of Bertina et al. (US

6,145,739; hereinafter "Bertina"). The teachings of Teicher as modified by Kalt have been discussed above.

Teicher as modified by Kalt fails to teach or fairly suggest the serial communication device in the card, wherein the credit card information is stored electronically in the credit card and the credit card further comprises electronic terminals allowing readout of the credit card information from the credit card, the readout comprising communicating with the electronic information via the serial communication device.

Bertina teaches a credit card, which comprises a serial communication device/port 15 in the credit card, wherein the credit card information is stored electronically in the credit card and the credit card further comprises electronic terminal/display 25 allowing readout of the credit card information from the credit card, the readout comprising communicating with the electronic information via the serial communication device (see fig. 1; col. 7, line 60 through col. 8, line 42).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the smart card with a well known serial communication device as taught by Bertina to the teachings of Teicher as modified by Kalt in order to provide a dedicated and secure communication line, that is, a serial communication line, between the credit card reader and the processor.

11. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teicher in view of Moseley (US 5,193,114).

Teicher teaches a method comprising:

storing information in a credit card sized device which is rectangular and has a long axis and a short axis; and reading information from the credit card wherein the reading comprises inserting a portion of the credit card into a reader, allowing the reader to read information from the credit card (see figs. 8A-8C; col. 8, line 63 through col. 9, line 45).

Teicher fails to teach or fairly suggest issuing an audible indication when the reader is completed reading the information from the credit card.

Moseley teaches a smart card reader system, which beeps to alert the owner to take his card after a transaction is finished (col. 11, lines 15-27), which serves as issuing an audible indication when the reader is completed reading the information from the credit card.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the reader which beeps to alert the owner/operator to take his/her card from the system after a transaction is completed as taught by Moseley to the teaching of Teicher in order to prevent the operator to pick up his/her credit card before leaving the premises. Such modification, as discussed above, would prevent one from losing his/her credit card.

12. Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teicher in view of Jonstromer. The teachings of Teicher have been discussed above.

Teicher fails to teach or fairly suggest the smart card reader comprising a portable phone, the slot formed in surfaces on the portable phone.

Jonstromer teaches a smart card reader, which comprises a portable phone, the slot formed in surfaces on the portable phone (see fig. 1; col. 4, lines 20-44).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the smart card with mobile phone as taught by Jonstromer to the teachings of Teicher in order to add the mobile communication feature to the card reader to further provide a versatile and compact mobile-phone/card-reader system which provides a greater convenience to the users for carrying a single device rather than a plurality of devices. Accordingly, such modification would provide Teicher with a one-stop shopping (phone/card) system without the hesitation of carrying multiple devices.

Re claim 26: Teicher teaches a method, wherein the inserting comprises inserting the credit card into the portable telephone in a direction in which only an edge portion (the shorter edge; see fig. 8B) of the credit card, formed by an intersection of two orthogonal axes (which are any axes that are perpendicular to the shorter edge, in this case the two longer edges are orthogonal to the shorter edge) of the credit card, is inserted into the portable phone, and all other portions of the credit card are external to the portable phone during the reading.

Response to Arguments

13. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

The examiner believes that given its broadest reasonable interpretation of the instant claims, the combination of Teicher, Jonstromer, Moseley and Yoshida meet the claimed limitations.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Neifer et al. (US 6,145,748) teaches a chip card reader having dual reading modules.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 703-305-1798. The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-1341 for regular communications and 703-305-1341 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-8792.

KDN
May 23, 2003


MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800